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Mary Byrne/Nissan of Fife Asset Purchase Dispute With Nissan of North America

We represented Mary Byrne, the owner of Nissan of Fife, LLC, in an appeal of an adverse ruling issued by an Administrative Law Judge regarding Byrne's attempt to transfer her dealership to another existing dealer. The suit hinged on what limits the Washington Motor Vehicle Dealers' Franchise Act places on a manufacturer when a dealer requests permission to transfer its dealership to another existing dealer. With few exceptions, similarly worded statutes in other jurisdictions have been interpreted by courts to permit automobile manufacturers to use extraneous criteria to reject a proposed transferee who is an existing dealer. As a matter of first impression in Washington, Pierce County Superior Court reversed the ALJ's decision in favor of the manufacturer, Nissan North America, and ruled that Nissan North America had violated the Motor Vehicle Dealers' statute by rejecting Nissan of Fife's proposed dealership transfer. We won summary judgment; the matter has been appealed by Nissan of North America. This victory benefits all automotive dealers across Washington, and reinforces the protections provided to dealers under the Washington Motor Vehicle Dealers' Franchise Act.